

## **505 KAR 2:130. Intake.**

RELATES TO: KRS 15A.210-15A.240

STATUTORY AUTHORITY: KRS 15A.210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.210 mandates that the Department of Juvenile Justice issue administrative regulations governing juvenile detention centers and juvenile holding facilities.

Section 1. Only juveniles meeting the criteria provided in this regulation shall be admitted to a detention facility.

(1)(a) The agency or individual seeking to place a juvenile in the facility shall present one (1) of the following at the time of admission or the juvenile shall not be accepted for admission:

1. A bench warrant which includes the reason for the issuance of the warrant;
2. A commissioner's warrant; or
3. A court order.

(b) If the reason for the ordered detention is contempt of court or an alleged or found violation of probation or parole, the documentation shall indicate the underlying charge that resulted in the contempt or the probation or parole violation. Lack of information relating to the underlying charge shall not be grounds to refuse admission, however facility staff shall obtain such information and place it in the juvenile's file as soon as possible.

(2) Admissions determinations shall be made according to the following guidelines:

(a) An accused public offender taken into custody on a bench warrant may be admitted to the facility pending a court hearing.

(b) An accused public offender accompanied by a court order may be admitted to the facility and securely detained for any length time during the probable cause, adjudication and disposition phases of the juvenile court process, subject to any limitations set by the court and reflected in the court order.

(c) A juvenile taken into custody on a commissioner's warrant for violation of supervised placement may be detained in accordance with KRS 635.100.

(d) A juvenile charged with a capital offense, Class A felony or Class B felony who is ordered detained shall be detained in a secure detention facility or a juvenile holding facility, in accordance with KRS 610.265(2)(b).

(e) A public offender may be accepted for admission and detained after disposition pursuant to a court order specifically requiring detention. A public offender committed to the Department of Juvenile Justice and ordered detained until placed may be housed in the facility for up to thirty-five (35) days after disposition.

(f) A status offender, pursuant to KRS 630.070, shall not be placed in a secure detention facility or a juvenile holding facility as a means or form of punishment except following a finding that the status offender is in contempt of court. A status offender may be admitted to a facility and be securely detained in accordance with KRS 630.080, 630.090, 630.100, and 630.130.

(g) A federal ward or out-of-state runaway may be detained in accordance with KRS 615.010.

(3) Prior to admission, a juvenile shall be screened for injury, chemical and alcohol intoxication, and acute illness. If any questions or concerns regarding the physical or mental condition of the juvenile exist and the admitting officer believes that the juvenile needs to be examined and cleared for admission by a physician, admission shall be refused until medical clearance is obtained by the transporting officer. (26 Ky.R. 1291; 1552; eff. 2-14-2000; Crt eff. 3-13-2019.)